

**REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed September 10, 2003. In order to advance prosecution of this case, Applicants amend Claims 1, 9, 16, 24, 31, and 32. Applicants respectfully request continued examination of the present Application in order that the Examiner may reconsider the rejection of the claims. Furthermore, Applicants respectfully request reconsideration and favorable action in this case.

**Examiner Interview**

Applicants' attorney, Mr. Todd A. Cason (Reg. No. 54,020), conducted a telephonic interview with Examiner Lee on November 14, 2003. Applicants submit this summary of the telephonic interview to record Applicants' understanding of the substance of the interview. If Applicants' understanding is inaccurate, notice of such is appreciated.

Applicants thank the Examiner for the courtesy and opportunity to conduct the telephonic interview. During the interview, the Examiner and attorneys for Applicants discussed the Examiner's rejections of Applicants' claims. During the interview, Applicants' attorney and the Examiner discussed the Examiner's interpretation of Applicants' claim language. Although the Examiner and Attorney for Applicants reached no firm conclusions or agreements regarding the claims, the Examiner suggested claim language that might, according to the Examiner, further clarify the meaning of Applicants' claims.

**Section 103 Rejections**

The Examiner rejects Claims 1-2, 4-10, 12-17, 19-25, and 27-32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,317,414, issued to Naohiro ("Naohiro") in view of U.S. Patent No. 4,736,465 issued to Bobey et al. ("Bobey"). While Applicants assert that the claims in their current form are sufficiently clear, Applicants, in the interest of expediting prosecution of this Application, amend the claims based on the Examiner's comments from the telephone interview of November 14, 2003.

As amended Claim 1 recites:

In an ATM network having a plurality of paths to a common destination, a method comprising:

receiving ATM traffic from a traffic source as a plurality of copies of traffic routed along a plurality of paths, each one of the paths having a receive circuit;

configuring an ATM switch to provide a route to a common destination for each one of the paths;

determining a qualified copy of the traffic, before the traffic reaches the ATM switch; and

discarding all copies of the traffic except for the qualified copy such that only the qualified copy is passed to the ATM switch for routing to the common destination.

*Naohiro* and *Bobey*, taken alone or in combination, fail to teach, disclose, or suggest every element of amended Claim 1. For example, amended Claim 1 recites "determining a qualified copy of the traffic, before the traffic reaches the ATM switch" and "discarding all copies of the traffic except for the qualified copy such that only the qualified copy is passed to the ATM switch for routing to the common destination." *Naohiro* discloses a selector on an ATM network. Col. 5, ll. 11-15. As the Examiner notes, "*selector 5-7 selects the virtual path input* that will continue on to 5-8" and "[a]fter reaching the selector, only one qualified copy of traffic is allowed to continue to 1-27." (emphasis added) *Office Action*, p. 2. Thus, *Naohiro* does not teach "determining a qualified copy of the traffic, before the traffic reaches the ATM switch" and "discarding all copies of traffic except for the qualified copy such that only the qualified copy is passed to the ATM switch." Thus, *Naohiro* does not disclose every limitation of Claim 1.

Combination with *Bobey* does not remedy this omission. As the Examiner notes *Bobey* merely discloses "discarding [a] duplicate copy of traffic". *Office Action*, p. 3. Moreover, *Bobey* does not disclose an ATM switch of any type. Thus, *Bobey* also does not

disclose "determining a qualified copy of the traffic, before the traffic reaches the ATM switch" and "discarding all copies of traffic except for the qualified copy such that only the qualified copy is passed to the ATM switch" as recited by amended Claim 1. As a result, *Naohiro* and *Bobey*, both alone and in combination, fail to disclose, teach, or suggest every element of amended Claim 1. Thus, Claim 1 is allowable for at least this reason. Applicants respectfully request reconsideration and allowance of Claim 1 and its dependents.

Although of differing scope from Claim 1, Claims 9, 16, 24, 31, and 32 all include elements that, for reasons substantially similar to those discussed above with respect to Claim 1, are absent from *Naohiro* and *Bobey*. As a result, Claims 9, 16, 24, 31, and 32 are also allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claims 9, 16, 24, 31, and 32 and their respective dependents.

The Examiner rejects Claims 3, 11, 18, and 26 under 35 U.S.C. § 103(a) as being unpatentable over *Naohiro* in view of *Bobey* in view of U.S. Patent No. 6,424,629 issued to Rubino et al. ("*Rubino*"). Claims 3, 11, 18, and 26 depend from Claims 1, 9, 16, and 24, respectively, which have been shown above to be allowable. Thus, Claims 3, 11, 18, and 26 are allowable for at least these reasons. Applicants respectfully requests reconsideration and allowance of Claims 3, 11, 18, and 26.

**Conclusions**

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Attached herewith is a check in an amount of \$770.00 made payable to the "Commissioner of Patents and Trademarks" to satisfy the request for continued examination fee of 37 C.F.R. §1.17(e). The Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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